

REMARKS

Claims 1-25 and 31-39 are pending herein, with Claims 1, 25, 31, and 32 being independent claims. Claims 1-6, 9-14, and 17-25 are rejected. Claims 7 and 8 are objected to.

CLAIM OBJECTIONS

Claims 17-19 were objected to as being dependent upon a cancelled claim. This has been corrected.

35 U.S.C. § 103:

Claims 1, 4-6, 9, 10, 12-14, 17-21, and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over German Reference No. 44 45 436 in view of U.S. Patent No. 4,735,133 to Paoletti. The German reference was described as showing a milk source, an air inlet system, a steam inlet system, a mixing area, and an expansion area. Paoletti was described as showing a mixture nozzle 5 within a hollow nozzle block.

The Applicant asserts that the amendments made herein overcome the rejection. Specifically, that the mixing area is positioned downstream of the milk inlet. This limitation sufficiently distinguishes the vacuum system shown in Paoletti in which the mixing area D is upstream of the milk inlet 16 because of the use of a vacuum via the pipe 1. The claims herein do not involve the use of a vacuum for mixing. The Applicant thus submits that independent Claims 1 and 25, and the dependent claims thereon, are patentable over the cited references.

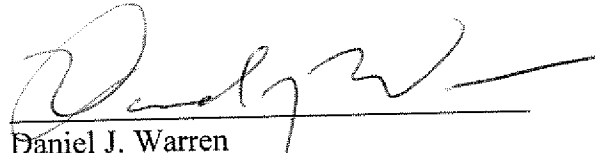
Claims 2, 3, and 22-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the references described above and in further view of Hourizadeh. The Applicant submits that the claims are patentable over the cited references for the reasons described above.

Claim 11 was rejected under 35 U.S.C. .§ 103(a) as being unpatentable over the prior art as described above and in further view of Detsch. The Applicant submits that the claims are patentable for the reasons described above.

CONCLUSION

The Applicant believes that it has responded to each matter raised in the Office Action. Allowance of all claims is respectfully solicited. Any questions may be directed to the undersigned at 1.404.853.8028.

Respectfully submitted,



Daniel J. Warren
Reg. No. 34,272

SUTHERLAND ASBILL & BRENNAN LLP
999 Peachtree Street, N.E.
Atlanta, Georgia 30309-3996
(404) 853-8000
(404) 853-8806 (Facsimile)
daniel.warren@sablaw.com

SAB Docket No. 25040-0912